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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,410	12/11/2000	George Erhardt Platzer JR.	PLG 0102 PUS	1890

7590 04/07/2004

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EXAMINER

SHAFFER, RICKY D

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/733,410	Applicant(s) PLATZER, JR.	
	Examiner Ricky D. Shafer	Art Unit 2872	<i>Am</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 34 is/are pending in the application.
 4a) Of the above claim(s) 1,2 and 16-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-15 is/are allowed.
- 6) ☒ Claim(s) 3,4 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2872

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Bauer et al ('503).

Bauer et al discloses an automotive mirror assembly (14) comprising a main viewing mirror (14B) having an electrically modifiable medium (20,22,24,26) for selectively varying the intensity of a reflected image formed thereon and an auxiliary mirror (14A) having a characteristic magnification less than that of the main viewing mirror, wherein said main viewing mirror has a main field of view and said auxiliary mirror has a blindzone field of view generally adjacent the main field of view for viewing a driver's blindzone, note figures 1-9 along with the associated description thereof, wherein said auxiliary mirror inherently has a shape and position for viewing primarily only the driver's blindzone and substantially all of the driver's blindzone in the blindzone field of view due to the physical nature of the mirror assembly or can be adjusted as such due the adjustability of said mirror assembly.

3. Claims 3, 4 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanazawa ('367).

Kanazawa discloses an automotive mirror assembly (10) comprising a main viewing mirror (11) having an electrically modifiable medium (21,22,23) for selectively varying the

Art Unit: 2872

intensity of a reflected image formed thereon and an auxiliary mirror (12 or 12a or 12b) having a characteristic magnification less than that of the main viewing mirror, wherein at least of portion of said auxiliary mirror is located in an upper and outer quadrant of said automotive mirror, wherein said main viewing mirror has a main field of view and said auxiliary mirror has a blindzone field of view generally adjacent the main field of view for viewing a driver's blindzone, note figures 1-11 along with the associated description thereof, wherein said auxiliary mirror inherently has a shape and position for viewing primarily only the driver's blindzone and substantially all of the driver's blindzone in the blindzone field of view due to the physical nature of the mirror assembly or can be adjusted as such due the adjustability of said mirror assembly.

4. Claims 3, 4 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Lynam ('451).

Lynam discloses an automotive mirror assembly comprising a main viewing mirror (50) having an electrically modifiable medium (an electro-optic reflective element, preferably an electrochromic reflective element) for selectively varying the intensity of a reflected image formed thereon and an auxiliary mirror (55) having a characteristic magnification less than that of the main viewing mirror, wherein at least of portion of said auxiliary mirror (55) is located in an upper and outer quadrant of said automotive mirror, wherein said main viewing mirror has a main field of view and said auxiliary mirror has a blindzone field of view generally adjacent the main field of view for viewing a driver's blindzone, note figures 5A, 5B, 5D, 5E, 5H, particularly figures 5B and 5E, along with the associated description thereof, wherein said auxiliary mirror inherently has a shape and position for viewing primarily only the driver's blindzone and substantially all of the driver's blindzone in the blindzone field of view due to the

Art Unit: 2872

physical nature of the mirror assembly or can be adjusted as such due the adjustability of said mirror assembly.

5. Claims 5-15 are allowed.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (571) 272-2320.

RDS

April 05, 2004

R.D. Shafer
RICHARD D. SHAFER
PATENT ATTORNEY
2004